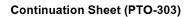
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/647,071	SWAIN ET AL.	
Examiner	Art Unit	
AMBER D. STEELE	1639	

		AMBER B. GTEELE	1 1000	
The MAILING DATE of this com	munication appe	ars on the cover sheet with	the corresponden	ce address
THE REPLY FILED <u>04 November 2009</u> FAIL	S TO PLACE THIS	S APPLICATION IN CONDITION	ON FOR ALLOWAN	NCE.
 The reply was filed after a final rejection application, applicant must timely file or application in condition for allowance; (2 for Continued Examination (RCE) in conperiods: 	ne of the following 2) a Notice of Appe	replies: (1) an amendment, aff eal (with appeal fee) in complia	idavit, or other evid ance with 37 CFR 4	lence, which places the 1.31; or (3) a Request
a) The period for reply expiresmo	nths from the mailing	date of the final rejection.		
b) The period for reply expires on: (1) the r no event, however, will the statutory per Examiner Note: If box 1 is checked, che	iod for reply expire la	ater than SIX MONTHS from the r	nailing date of the fina	al rejection.
MONTHS OF THE FINAL REJECTION. Extensions of time may be obtained under 37 CFR have been filed is the date for purposes of determin under 37 CFR 1.17(a) is calculated from: (1) the exset forth in (b) above, if checked. Any reply receive may reduce any earned patent term adjustment. S NOTICE OF APPEAL	See MPEP 706.07(1.136(a). The date ning the period of ex piration date of the sed by the Office later	f). on which the petition under 37 CF tension and the corresponding am shortened statutory period for reply than three months after the mailir	R 1.136(a) and the ap ount of the fee. The a originally set in the f	opropriate extension fee appropriate extension fee inal Office action; or (2) as
2. The Notice of Appeal was filed on	A brief in comp	liance with 37 CFR 41.37 mus	t be filed within two	months of the date of
filing the Notice of Appeal (37 CFR 41.3 Notice of Appeal has been filed, any rep AMENDMENTS	37(a)), or any exte	nsion thereof (37 CFR 41.37(e)), to avoid dismiss	al of the appeal. Since a
3. The proposed amendment(s) filed afte (a) They raise new issues that would				ered because
(b) They raise the issue of new matte	•	•	inoi L below),	
(c) They are not deemed to place the appeal; and/or	•	•	lly reducing or simp	lifying the issues for
(d) They present additional claims wi	thout canceling a	corresponding number of finall	y rejected claims.	
NOTE: seeattached advisory a	<u>ction continued</u> . (S	See 37 CFR 1.116 and 41.33(a	1)).	
4. The amendments are not in compliance	e with 37 CFR 1.12	21. See attached Notice of No	n-Compliant Amend	dment (PTOL-324).
5. Applicant's reply has overcome the foll	owing rejection(s)	:		
 Newly proposed or amended claim(s) non-allowable claim(s). 				
7. For purposes of appeal, the proposed a how the new or amended claims would The status of the claim(s) is (or will be) Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 125,126,128,131-138	be rejected is provas follows:] will be entered a	nd an explanation of
Claim(s) rejected. <u>123,120,126,131-136</u> Claim(s) withdrawn from consideration:				
AFFIDAVIT OR OTHER EVIDENCE				
 The affidavit or other evidence filed after because applicant failed to provide a sh was not earlier presented. See 37 CFR 	lowing of good and			
 The affidavit or other evidence filed after entered because the affidavit or other e showing a good and sufficient reasons 	vidence failed to o	vercome <u>all</u> rejections under a	ppeal and/or appel	lant fails to provide a
10. ☐ The affidavit or other evidence is enter REQUEST FOR RECONSIDERATION/OTHER		n of the status of the claims af	ter entry is below o	r attached.
11. The request for reconsideration has be		t does NOT place the applicat	ion in condition for	allowance because:
12. Note the attached Information <i>Disclose</i> 13. Other:	ure Statement(s).	(PTO/SB/08) Paper No(s)	_	
		/Amber D. Steele/		
		Primary Examiner,	Art Unit 1639	



Application No.